

REMARKSStatus of claims

Claims 1-50 remain in this application. Claims 1, 25, 27-28, 32, 34 and 41 are currently being amended.

Claims 1-3, 5-10, 12-14, 16, 25-27, 29-34, 36, 41, 42 and 44-49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Benetti.

Claims 4, 11, 17, 28, 35, 43 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Benetti.

The Office Action indicates that in amending the claims "what is required is that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art". In this case, the prior art structure is not capable of performing the intended use. The Office Action acknowledges that the description of the embodiment of Figure 7 says nothing regarding ports 70 but that they are "for receiving a suture line". The Office Action seeks to rely upon the description of the use of suture lines in connection with Figures 5 and 6 to augment the description of Figure 7. However, the description of the use of suture lines in Benetti does not disclose or suggest the structural relationship that the flexible cord is held by the holder such that the artery is compressed between the cord and the holder. The description at Col. 10, lines 57-62 of Benetti relates to using sutures to attach the lever member 33 to the heart. There is no disclosure or suggestion that the lever member or the sutures are used to occlude the artery. Figures 5 and 5A do not show any means for occluding the artery. They certainly do not show the artery positioned between a suture and the device. The description at Col. 11, lines 19-30 relate to the use of sutures to manipulate the plates 30, 31 on "either side of the target artery". This does not relate to a device used for arterial occlusion. The description at Col. 11, line 60 - Col. 12, line 4 relates to using a suture line to attach snap fixtures 40 to the surface of the heart. There is no disclosure regarding the suture being attached to a holder to compress the artery. The reference is devoid of any teaching regarding such a structure using a flexible cord.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2475.

Respectfully submitted,
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